
Local Government Committee

HB 1640

Brief Description: Siting new mobile home parks and manufactured housing communities.

Sponsors: Representatives Schindler, Morris, Dunn, McCune, Haigh and O'Brien.

Brief Summary of Bill

- Allows counties fully planning under the Growth Management Act to site new mobile home parks and manufactured housing communities outside of urban growth areas if certain criteria are met.
- Specifies that the approval of an application to site a qualifying mobile home park or manufactured housing community outside of an urban growth area does not constitute an amendment to a comprehensive plan.
- Prohibits impact fees from being collected for the development of authorized mobile home parks and manufactured housing communities.
- Exempts authorized mobile home parks and manufactured housing communities from the requirements of the State Environmental Protection Act.

Hearing Date: 2/22/07

Staff: Thamas Osborn (786-7129).

Background:

Growth Management Act Requirements for Comprehensive Land Use Plans

Those jurisdictions planning under the Growth Management Act (GMA) must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Each comprehensive plan must include certain elements, including land use, housing, and transportation elements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

As part of its comprehensive land use plan, a county fully planning under the GMA must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. The GMA does, however, permit the authorization of certain development activity outside of UGAs in fully planning counties. Some of these development application approvals are, however, considered an amendment to the jurisdiction's comprehensive plan.

Among the developments permitted outside of UGAs, but which have infrastructure/facilities needs and other characteristics which are urban in nature, are the following: 1) fully contained communities; 2) industrial land banks; and 3) master planned resorts. The GMA contains extensive planning requirements governing the creation of these categories of development so as to minimize their impact on the rural environment.

Counties fully planning under the GMA must also include a *rural element* within their comprehensive plans. The *rural element* must specify provisions for lands not designated for urban growth, agriculture, forest, or mineral resources. Such provisions include:

- Permitting "*limited areas of more intensive rural development*", including necessary public facilities and public services to serve these areas;
- Allowing counties to consider local circumstances when establishing patterns or rural densities and uses;
- Permitting specific development, varieties of densities, uses, essential public facilities, and rural government services; and
- Requiring measures governing rural development, including measures to protect an area's rural character.

To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate urban densities and uses that are not characterized by urban growth and that are consistent with the character of rural lands.

Imposition of Impact Fees

Subject to statutory provisions, planning jurisdictions may impose impact fees on development activity as part of the financing for qualifying public facilities. Alternately, a jurisdiction may instead choose to impose a fee for a qualifying project under the State Environmental Policy Act (SEPA).

State Environmental Policy Act (SEPA)

SEPA establishes a review process for state and local governments to identify possible environmental impacts that may result from governmental decisions, including the issuance of permits or the adoption of or amendment to land use plans and regulations. Any governmental action may be conditioned or denied pursuant to SEPA, provided the conditions or denials are based upon policies identified by the appropriate governmental authority and incorporated into formally designated regulations, plans, or codes.

Summary of Bill:

Requirements for Siting a Mobile Home Park or Manufactured Housing Community Outside of an UGA

GMA counties may establish, in consultation with cities, a process for authorizing the siting of new mobile home parks and manufactured housing communities outside of UGAs. A county considering an application for such sitings may approve the siting if the following criteria are met:

- The proposed site is adjacent to or in close proximity to a UGA;
- Affordable housing will be provided within the mobile home park or manufactured housing community for a range of income levels;
- Appropriate infrastructure and services for the site are available or have been provided for;
- Environmental protection issues for the site, including air and water quality issues, have been provided for;
- Development regulations have been established to ensure that urban growth will not occur in adjacent nonurban areas;
- Provisions to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands have been made; and
- The siting of the mobile home park or manufactured housing community does not conflict with development regulations adopted by the county to protect critical areas.

Final approval by a county of an application to site a mobile home park or manufactured housing community outside of an UGA does not constitute an adopted amendment to the county's comprehensive plan.

Exemption from Impact Fees

For the purpose of imposing impact fees, the statutory definition of "development activity" is amended to exclude the creation of a mobile home park or manufactured housing community that is sited in accordance with the requirements of the act. This amendment would prohibit a jurisdiction from collecting impact fees for the authorized siting of these new parks and communities.

Exemption from SEPA Regulations

A mobile home park or manufactured housing community meeting the siting requirements of the act is exempt from compliance with SEPA requirements.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.